IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.423 OF 2006

IN

APPEAL FROM ORDER (STAMP) NO.9473 OF 2006

IN

B.C.C.C. S.C. SUIT NO.3731 OF 2005

Faustine D'Cunha ...Applicant

Versus

Rizvanullah Jainullah Chaudhary

& Ors. ...Respondents

.....

Mr.J.N.Jayale for Applicant.

Mr.Rajesh N.Kachare for Respondents 1 to 3.

.....

CORAM: A.M.KHANWILKAR, J.

MAY 5, 2006.

P.C.

1. Heard.

2. Counsel for Respondents 1 to 3 seeks time to file reply. I see no reason to defer the hearing of this Application.

3. In my opinion, even if no sufficient cause is made out, in the interest of justice, the Application deserves to be allowed. As the litigant should not suffer for the mistake of the Advocate, Application is allowed in terms of prayer clause (a) on condition that the Advocate on record shall personally pay cost quantified at Rs.1,000/- (Rupees One Thousand) to the High Court Legal Services Committee within one week from today, failing which, Application to stand dismissed for non-prosecution without further reference to the Court.

A.M.KHANWILKAR, J.